

**2ESSB 5659 - H AMD 603 WITHDRAWN 6/10/03**

By Representative \_\_\_\_\_

On page Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec.1.** The legislature finds that local governments in the state of Washington face enormous challenges in the area of criminal justice and public health. It is the legislature's intent to allow local governments to raise revenues in order to better protect the health and safety of Washington state and its residents. It is further the intent of the legislature to provide local governments relief from regulatory burdens that do not harm the public health and safety of the citizens of the state as a means of minimizing the need to generate new revenues authorized under this act.

**NEW SECTION. Sec.2.** A new section is added to chapter 82.14 RCW to read as follows:

(1) A county legislative authority may submit an authorizing proposition to the county voters and, if the proposition is approved by a majority of persons voting, impose a sales and use tax in accordance with the terms of this chapter. The title of each ballot measure must include the purposes for which the proposed sales and use tax will be used. The rate of tax under this section shall not exceed three-tenths of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(2) The tax authorized in this section is in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapter 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county.

(3) The retail sale or use of motor vehicles and the lease of motor vehicles for up to the first thirty-six months of the lease are exempt from tax imposed under this section.

(4) One-third of all money received under this section shall be used solely for criminal justice purposes. For the purposes of this subsection, "criminal justice

purposes means additional police protection, mitigation of congested court systems, or relief of overcrowded jails or other local correctional facilities.

(5) Money received under this section shall be shared between the county and the cities as follows: Sixty percent shall be retained by the county and forty percent shall be distributed on a per capita basis to cities in the county.

**Sec. 3.** RCW 36.70A.130 and 2002 c 320 s 1 are each amended to read as follows:

(1) (a) Each comprehensive land use plan and development regulation shall be subject to continuing review and evaluation by the county or city that adopted them. A county or city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter according to the time periods specified in subsection (4) of this section. A county or city not planning under RCW 36.70A.040 shall take action to review and, if needed, revise its policies and development regulations regarding critical areas and natural resource lands adopted according to this chapter to ensure these policies and regulations comply with the requirements of this chapter according to the time periods specified in subsection (4) of this section. Legislative action means the adoption of a resolution or ordinance following notice and a public hearing indicating, at a minimum, a finding that a review and evaluation has occurred and identifying the revisions made, or that a revision was not needed and the reasons therefore. The review and evaluation required by this subsection may be combined with the review required by subsection (3) of this section. The review and evaluation required by this subsection shall include, but is not limited to, consideration of critical area ordinances and, if planning under RCW 36.70A.040, an analysis of the population allocated to a city or county from the most recent ten-year population forecast by the office of financial management.

(b) Any amendment of or revision to a comprehensive land use plan shall conform to this chapter. Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan.

(2) (a) Each county and city shall establish and broadly disseminate to the public a public participation program consistent with RCW 36.70A.035 and 36.70A.140 that identifies procedures and schedule whereby updates proposed amendments, or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year. "Updates" means to review and revise, if needed, according to subsection (1) of this section and the time periods specified in subsection (4) of this section. Amendments may be considered more frequently than once per year under the following circumstances:

1 (i) The initial adoption of a subarea plan that does not modify the comprehensive  
2 plan policies and designations applicable to the subarea;

3 (ii) The adoption or amendment of a shoreline master program under the  
4 procedures set forth in chapter 90.58 RCW; and

5 (iii) The amendment of the capital facilities element of a comprehensive plan that  
6 occurs concurrently with the adoption or amendment of a county or city budget.

7 (b) Except as otherwise provided in (a) of this subsection, a proposal shall be  
8 considered by the governing body concurrently by the cumulative effect of the various  
9 proposals can be ascertained. However, after appropriate public participation, a county  
10 or city may adopt amendments or revisions to its comprehensive plan that conform  
11 with this chapter whenever an emergency exists or to resolve an appeal of a  
12 comprehensive plan filed with a growth management hearing board or with the court.

13 (3) Each county that designates urban growth areas under RCW 36.70A.110  
14 shall review at least every ten years its designated urban growth areas and  
15 the densities permitted within both the incorporated and unincorporated portions of  
16 each urban growth area. In conjunction with this review by the county, each city  
17 located within an urban growth area shall review the densities permitted within its  
18 boundaries and the extent to which the urban growth occurring within the county has  
19 located within each city and the unincorporated portions of the urban growth areas.  
20 The county comprehensive plan designating urban growth areas and the densities  
21 permitted in the urban growth areas by the comprehensive plans of the county and  
22 each city located within the urban growth areas shall be revised to accommodate the  
23 urban growth projected to occur in the county for the succeeding twenty-year period.  
24 The review required by this subsection may be combined with the review and  
25 evaluation required by RCW 36.70A.215.

26 (4) The department shall establish a schedule for counties and cities to take  
27 action to review and, if needed, revise their comprehensive plans and development  
28 regulations to ensure the plan and regulations comply with the requirements of this  
29 chapter. The schedule established by the department shall provide for the reviews  
30 and evaluations to be completed as follows:

31 (a) On or before December 1, 2004, and every seven years thereafter for  
32 (Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston and  
33 Whatcom counties and the cities within those counties;

34 (b) On or before December 1, 2005, and every seven years thereafter for  
35 Cowlitz, Island, Lewis, Mason, San Juan, Skagit, Clallam, Jefferson, and Skamania  
36 counties and the cities within those counties;

37 (c) On or before December 1, 2006, and every seven years thereafter for  
38 Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities  
39 within those counties and

(d) On or before December 1, 2007, and every seven years thereafter for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(5) (a) Nothing in this section precludes a county or city from conducting the review and evaluation required by this section before the time limits established in subsection (4) of this section. Counties and cities may begin this process early and may be eligible for grants from the department, subject to available funding, if they elect to do so.

(b) State agencies are encouraged to provide technical assistance to the counties and cities in the review of critical area ordinances, comprehensive plans, and development regulations.

(6) A county or city subject to the time periods in subsection (4) (a) of this section that pursuant to an ordinance adopted by the county or city establishing a schedule for periodic review of its comprehensive plan and development regulations, has conducted a review and evaluation of its comprehensive plan and development regulations and, on or after January 1, 2001, has taken action in response to that review and evaluation shall be deemed to have conducted the first review required by subsection (4) (a) of this section. Subsequent review and evaluation by the county or city of its comprehensive plan and development regulations shall be conducted in accordance with the time periods established in subsection (4) (a) of this section.

(7) The requirements imposed on counties and cities under this section shall be considered requirements of this chapter under the terms of RCW 36.70A.040(1). Only those counties and cities in compliance with the schedules in this section shall have the requisite authority to receive grants, loans, pledges, or financial guarantees from those accounts established in RCW 43.155.050 and 70.146.030. Only those counties and cities in compliance with the schedules in this section shall receive preference for grants or loans subject to the provisions of RCW 43.17.250.

**Sec. 4.** RCW 84.55.050 and 1989 c 287 s 1 are each amended to read as follows:

(1) Subject to any otherwise applicable statutory dollar rate limitations, regular property taxes may be levied by or for a taxing district an amount exceeding the limitations provided for in this chapter if such levy is authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within the taxing district called by the district for the purpose of submitting such proposition to the voters. Any election held pursuant to this section shall be held not more than twelve months prior to the date on which the proposed levy is to be made, except as

1 ~~provided in subsection (3) (b) of this section~~ The ballot of the proposition shall state  
2 the dollar rate proposed and shall clearly state any conditions which are applicable  
3 under subsection (3) of this section.

4 (2) After a levy authorized pursuant to this section is made, the dollar amount  
5 of such levy shall be used for the purpose of computing the limitation for subsequent  
6 levies provided for in this chapter except as provided in subsections (3) and (4) of  
7 this section.

8 (3) A proposition placed before the voters under this section may:

9 (a) Limit the period for which the increased levy is to be made;

10 (b) ~~Authorize annual increases in levies for multiple consecutive years up to six~~  
11 ~~consecutive years during which period each year's authorized maximum legal levy~~  
12 ~~shall be used as the base upon which an increased levy limit for the succeeding year~~  
13 ~~is computed, but the ballot proposition must state the dollar rate proposed only for the~~  
14 ~~first year of the consecutive years and must state the limit factor or a specified index~~  
15 ~~to be used for determining limit factors such as the consumer price index which~~  
16 ~~need not be the same for all years by which the regular tax levy for the district may~~  
17 ~~be increased in each of the subsequent consecutive years;~~

18 (c) Limit the purpose for which the increased levy is to be made, but if the  
19 limited purpose includes making redemption payments on bonds, the period for which  
20 the increased levies are made shall not exceed nine years;

21 ((c)) (d) Set the levy at a rate less than the maximum rate allowed for the  
22 district;

23 (e) ~~Provide that the maximum allowable dollar amount of the final annual levy of~~  
24 ~~the period specified in the measure shall be used to compute the limitations provided~~  
25 ~~for in this chapter on levy increases occurring after the expiration of the period or~~

26 ((d)) (f) Include any combination of the conditions in this subsection.

27 (4) Except as otherwise provided in an approved ballot measure under this  
28 section, after the expiration of a limited period or the satisfaction of a limited purpose,  
29 whichever comes first, subsequent levies shall be computed as if:

30 (a) The limited proposition under subsection (3) of this section had not been  
31 approved and

32 (b) The taxing district had made levies at the maximum rates which would  
33 otherwise have been allowed under this chapter during the years levies were made  
34 under the limited proposition.

35 **Sec. 5.** RCW 36.70A.040 and 2000 c 36 s 1 are each amended to read as  
36 follows:

37 (1) (a) Each county that has both a population of fifty thousand or more and, until  
38 May 16, 1995, has had its population increase by more than ten percent in the

1 previous years or, on or after May 16, 1995, has had its population increase by  
2 more than seven percent in the previous years and the cities located within  
3 such county, and any other county regardless of its population that has had its  
4 population increase by more than twenty percent in the previous years and the  
5 cities located within such county, shall conform with all of the requirements of this  
6 chapter. However, the county legislative authority of such a county with a population  
7 of less than fifty thousand population may adopt a resolution removing the county,  
8 and the cities located within the county, from the requirements of adopting  
9 comprehensive land use plans and development regulations under this chapter if this  
10 resolution is adopted and filed with the department by December 31, 1990, for  
11 counties initially meeting this set of criteria, within sixty days of the date the office  
12 of financial management certifies that a county meets this set of criteria under  
13 subsection ((5)) (6) of this section. For the purposes of this subsection, a county  
14 not currently planning under this chapter is not required to include in its population  
15 count those persons confined in a correctional facility under the jurisdiction of the  
16 department of corrections that is located in the county.

17 (b) Once a county meets either of these sets of criteria and the county has not  
18 removed itself from the requirement to plan under this section pursuant to subsection  
19 (3) of this section, the requirement to conform with all of the requirements of this  
20 chapter remains in effect even if the county no longer meets one of these sets of  
21 criteria.

22 (2) The county legislative authority of any county that does not meet either of  
23 the sets of criteria established under subsection (1) of this section may adopt a  
24 resolution indicating its intention to have subsection (1) of this section apply to the  
25 county. Each city located in a county that chooses to plan under this subsection,  
26 shall conform with all of the requirements of this chapter. Once such a resolution has  
27 been adopted, the county and the cities located within the county remain subject to  
28 all of the requirements of this chapter unless the county removes itself from the  
29 requirement to plan under this section pursuant to subsection (3) of this section.

30 (3) (a) The counties of Columbia, Ferry, Pacific, Jefferson, San Juan, Clallam,  
31 Franklin, Whatcom, and Walla Walla and the cities located within the counties may  
32 be relieved from the requirement to plan under this section subject to meeting the  
33 requirements in subsection (b).

34 (b) To be relieved from the planning requirement of this section, a county shall  
35 adopt a resolution that removes the county and the city from the requirement to plan  
36 and shall file the resolution with the department. Removal shall be deemed to occur  
37 on the date the resolution is filed with the department.

38 (4) Any county or city that is initially required to conform with all of the  
39 requirements of this chapter under subsection (1) of this section and has not removed

1 ~~itself~~ undersubsection (3) of this section shall take actions under this chapter as  
2 follows: (a) The county legislative authority shall adopt a county-wide planning policy  
3 under RCW 36.70A.210; (b) the county and each city located within the county shall  
4 designate critical areas, agricultural lands, forestlands, and mineral resource lands,  
5 and adopt development regulations conserving these designated agricultural lands,  
6 forestlands, and mineral resource lands and protecting these designated critical areas,  
7 under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and take  
8 other actions related to urban growth areas under RCW 36.70A.110; (d) if the county  
9 has a population of fifty thousand or more, the county and each city located within  
10 the county shall adopt a comprehensive plan under this chapter and development  
11 regulations that are consistent with and implement the comprehensive plan on or  
12 before July 1, 1994, and if the county has a population of less than fifty thousand,  
13 the county and each city located within the county shall adopt a comprehensive plan  
14 under this chapter and development regulations that are consistent with and  
15 implement the comprehensive plan by January 1, 1995, but if the governor makes  
16 written findings that a county with a population of less than fifty thousand or a city  
17 located within such a county is not making reasonable progress toward adopting a  
18 comprehensive plan and development regulations, the governor may reduce this  
19 deadline for such actions to be taken by no more than one hundred eighty days. Any  
20 county or city subject to this subsection may obtain an additional month before  
21 it is required to have adopted its development regulations by submitting a letter  
22 notifying the department of community, trade and economic development of its need  
23 prior to the deadline for adopting both a comprehensive plan and development  
24 regulations.

25 ((4)) (5) Any county or city that is required to conform with all the requirements  
26 of this chapter as a result of the county legislative authority adopting its resolution  
27 of intention undersubsection (2) of this section and the county has not removed itself  
28 pursuant to subsection (3) of this section shall take actions under this chapter as  
29 follows: (a) The county legislative authority shall adopt a countywide planning policy  
30 under RCW 36.70A.210; (b) the county and each city that is located within the  
31 county shall adopt development regulations conserving agricultural lands, forestlands,  
32 and mineral resource lands and designated under RCW 36.70A.060 within one year of  
33 the date the county legislative authority adopts its resolution of intention; (c) the  
34 county shall designate and take other actions related to urban growth areas under  
35 RCW 36.70A.110; and (d) the county and each city that is located within the county  
36 shall adopt a comprehensive plan and development regulations that are consistent  
37 with and implement the comprehensive plan not later than four years from the date  
38 the county legislative authority adopts its resolution of intention, but a county or city  
39 may obtain an additional six months before it is required to have adopted its

development regulations by submitting a letter notifying the department of community, trade and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

((5)) (6) If the office of financial management certifies that the population of a county that previously had not been required to plan under subsection (1) or (2) of this section has changed sufficiently to meet either of the set of criteria specified under subsection (1) of this section and where applicable the county legislative authority has not adopted a resolution removing the county from these requirements as provided in subsection (1) of this section, the county and each city within such county shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall adopt development regulations under RCW 36.70A.060 conserving agricultural lands, forestlands and mineral resource lands it designated within one year of the certification by the office of financial management; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city located within the county shall adopt a comprehensive land use plan and development regulations that are consistent with and implement the comprehensive plan within four years of the certification by the office of financial management, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

((6)) (7) A copy of each document that is required under this section shall be submitted to the department at the time of its adoption.

((7)) (8) Cities and counties planning under this chapter must amend the transportation element of the comprehensive plan to be in compliance with this chapter and chapter 47.80 RCW no later than December 31, 2000.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health or safety or support of the state government and its existing public institutions and takes effect July 1, 2003."

Correct the title.

EFFECT: Provides that the sale, use or lease of a motor vehicle is exempt from the 0.3 percent county sales and use tax authorized in the bill. Allows Columbia, Pacific, Jefferson, San Juan, Clallam, Franklin, Whatcom, and Walla Walla counties in addition to Ferry County to opt out of growth management planning requirements.



1 Makes the bill effective July 1, 2003.